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July 10, 1989

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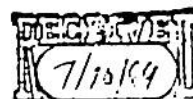
Edwin F. Tinsworth, Director  
Special Review and Registration Division  
Office of Pesticide Programs  
Environmental Protection Agency  
Room 1116  
Crystal Mall No. 2  
1921 Jefferson Davis Highway  
Arlington, Virginia 22202

Re: Modification of Consumer Information Sheet  
Language with Respect to the Use of WOLMANIZED®  
Wood in the Construction of Water Troughs and  
Silage and Feed Bunkers for Food-Producing  
Animals

Dear Mr. Tinsworth:

This letter is written on behalf of Hickson Corporation ("Hickson") to request the Agency's agreement to a modification of the Consumer Information Sheet for WOLMANIZED® pressure-treated wood relating to its use in the construction of water troughs and feed and silage bunkers for food-producing animals. Hickson recently acquired the Wolman Division of Koppers Company, Inc. ("the Wolman Division"), and is the current registrant of the chromated copper arsenate ("CCA") preservative used in the WOLMANIZED® wood treatment.

The Settlement Agreement in In The Matter of Chapman Chemical Co. et al., FIFRA Docket Nos. 529, et al., provided for a voluntary Consumer Awareness Program which included distribution of Consumer Information Sheets ("CIS") containing "EPA Approved" language relating, among other things, to certain uses of wood treated with CCA. Paragraph 15 of the Agreement permits modifications to the agreed-upon CIS language on the basis of new or additional data, specifically including modifications addressed to the feed and water contact provisions.



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Food and Drug Administration ("FDA") Approval

Under the 1971 Environmental Protection Agency/Food and Drug Administration memorandum of understanding regarding matters of mutual responsibility under the Federal Food, Drug, and Cosmetic Act (FFDCA) and FIFRA, FDA has primary responsibility for regulating preservatives used to treat wood that will come into contact with food or feed (See Appendix A). By letter dated February 23, 1989, a copy of which is attached as Appendix B, the Director of FDA's Division of Animal Feeds, Center for Veterinary Medicine, approved the use of WOLMANIZED® pressure-treated wood for use in the construction of silage and feed bunkers as well as water troughs for food-producing animals. In a recent telephone conversation confirming the intent of the February 23, 1989 letter, Hickson was advised by Dr. J. D. McCurdy, Acting Supervisor of the Division's Petition Review Branch, that FDA has no objection to the immediate marketing of WOLMANIZED® wood for the approved uses.

The FDA approval of WOLMANIZED® wood for these uses was based on certain proprietary data and other information submitted to the Petition Review Branch under cover of a letter dated December 29, 1987. A copy of the FDA submission, including all attachments except item 7 (a lengthy document which is already available in EPA's files), is attached hereto as Appendix C. We would be happy to discuss the FDA submission with you at your convenience.

WOLMANIZED® Wood CIS Modification

FDA's letter of approval and the health and safety data upon which it is based are applicable only to WOLMANIZED® pressure-treated lumber, and the CIS modification proposed herein is requested only for WOLMANIZED® wood. Attached as Appendix D is a copy of the CIS for WOLMANIZED® pressure-treated lumber currently being distributed by Hickson. Appendix E sets out modified language consistent with the FDA approval which Hickson proposes to substitute for the second warning under the heading "Use Site Precautions for CCA Pressure-Treated Wood" in its CIS.

Confidentiality of Request and Underlying Data

This request and the underlying data and information developed by the Wolman Division are viewed by Hickson as confidential business information of competitive significance. Your cooperation in maintaining their confidentiality to the maximum extent possible during your investigation will be appreciated.

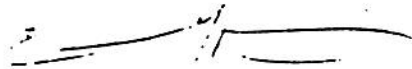
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Conclusion

FDA has determined, on the basis of the enclosed new data developed and provided by the Wolman Division, that use of WOLMANIZED® pressure-treated lumber in construction of silage and feed bunkers and in water troughs for food-producing animals does not present a health hazard, and has authorized the immediate marketing of WOLMANIZED® pressure-treated lumber for these uses. The Wolman Division has worked closely with FDA since 1984 to satisfy FDA's data requirements and obtain this approval. We therefore request that the Agency evaluate and approve the proposed CIS modification as promptly as possible.

We would appreciate an opportunity to discuss this request and the underlying FDA approval with you at your convenience in the near future. Please let me know if I can provide any further information to assist you in your consideration.

Sincerely yours,



Frederick H. von Unwerth  
Attorney for Hickson Corporation

FHV/ags  
Enclosures

cc: Cara Jablon, Esq., Office of General Counsel  
(w/o Attachment 2 to Appendix C)  
Conrad Kempton, Hickson Corporation